

REMARKS

Claims 1-33 are now pending in the present application. The allowability of claims 4-8, 16, 25, 26 and 32 is gratefully acknowledged. Reconsideration of the remaining claims is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-3, 9-24, 27-31 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dubost, U.S. Patent No. 5,249,845 in view of Nielson et al., U.S. Patent No. 5,297,854.

It is well established law that in order to find an invention obvious in light of a combination of references, there must be something present in the teaching of those references to suggest the claimed invention to one skilled in the art. *W.L. Gore and Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1551, 220 U.S.P.Q. 303, 311 (Fed. Cir. 1983) (citing *In re Bergel*, 292 Fd.2d 955, 956-57, 130 U.S.P.Q. 206, 208 (CCPA 1961)). The mere fact the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 972 Fd.2d 1260, 1266, 23 U.S.P.Q.2d 1780, 1783-84 (Fed. Cir. 1992) (citing *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984)). Moreover, the Examiner must show reasons that the skilled artisan, *confronted with the same problems as the inventor and with no knowledge of the claimed invention*, would select the elements from the cited prior art references for combination in the manner claimed. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998) (emphasis added).

Claim 1 defines a wheel cover assembly that comprises, among other things, a wheel clad assembly comprising at least one elongated tubularly-shaped extension comprising a first material, and at least one tubularly-shaped insulating sleeve comprising a second material different from the first material, wherein the sleeve is adapted to thermally insulate the wheel clad assembly from the vehicle wheel. In the rejections, it is argued that Dubost discloses an insulating sleeve that is adapted to thermally insulate the wheel clad assembly from the vehicle wheel. However, there is

no such disclosure made within the Dubost reference. Specifically, Dubost discloses a first sleeve and a second sleeve, and in no way discloses the second sleeve as functioning to thermally insulate the first sleeve. Moreover, the Examiner specifically argues that Dubost teaches all of the limitations of the claims except for a wheel cover assembly comprising an insulating sleeve including a plurality of fingers and made of a second material different from the extension.

Nielson et al. discloses a wheel cover retention system that includes a wheel cover base and a plurality of separate retainers extending therefrom. The Examiner argues that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dubost to include use of an insulative sleeve including a plurality of fingers and made of a second material different from the extension as taught by Nielson et al., and cites as motivation for this combination that the insulative sleeve would prevent failure in the Dubost cover by strengthening the plastic extension member while facilitating insulation of the wheel cover. However, the Applicants find no such motivation within the art. Specifically, it is noted that the retainers as disclosed by Nielson et al., extend outwardly from a wheel cover and in no way strengthen or insulate a plurality of fingers, and act to secure the associated cover by themselves. Moreover, combining that which is taught in Nielsen et al., with that which is taught in Dubost would require a picking and choosing of elements as Nielson et al. does not teach an insulative sleeve but rather a replacement of elements as defined in the present claims. Therefore, Dubost and Nielson et al. do not render obvious that which is defined in claim 1.

Accordingly, claim 1 is in condition for allowance. Claims 2-18 are dependent from claim 1 which is in condition for allowance, as noted above, and are therefore also in condition for allowance.

Claim 19 defines elements similar to those as discussed above with respect to claim 1, and is therefore also allowable over Dubost in view of Nielson et al. Accordingly, claim 19 is in condition for allowance. Claims 20-33 depend from claim 19

Applicant : Gregory R. Hauler
Appln. No. : 10/757,335
Page -4-

which is in condition for allowance, as noted above, and are therefore also in condition for allowance.

Accordingly, claims 1-33 are in condition for allowance, and a Notice of Allowability is earnestly solicited.

Respectfully submitted,

By: Price, Heneveld, Cooper,
DeWitt & Litton, LLP

Dated: November 3, 2005



Brian E. Ainsworth
Registration No. 45 808
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

BEA:kjc